

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KELLY DON LEDFORD,)
)
Plaintiff,)
)
v.) Case No. CIV-06-249-L
)
WILL TATE, *et al.*,)
)
Defendants.)

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Valerie K. Couch on May 8, 2006. Plaintiff, a prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. §1983 and has also filed a Motion for Leave to Proceed *In Forma Pauperis*. The Magistrate Judge recommended that this action be dismissed without prejudice for plaintiff's failure to comply with the requirements of 28 U.S.C. § 1915(b) and LcvR3.3. As noted in the Report and Recommendation, plaintiff has not made any efforts towards payment of the filing fee, has not requested an extension of time to pay or demonstrated good cause for his failure to pay, nor has he sought to voluntarily dismiss his action.

The court file shows that no party has objected to the Report and Recommendation within the time limits prescribed.

Upon *de novo* review, and for the reasons expressed by the Magistrate Judge, the court finds that the Report and Recommendation of the Magistrate Judge should be and is hereby adopted in its entirety. **This action is DISMISSED WITHOUT PREJUDICE.**

It is so ordered this 2nd day of June, 2006.

Tim Leonard
TIM LEONARD
United States District Judge